

FORM PTO-1390
(REV. 7-2004)



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Express Mail No. EV 456 932 635 US

ATTORNEY'S DOCKET NUMBER
007413-100 JWP/MP

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37CFR 1.5)
Unassigned

INTERNATIONAL APPLICATION NO.
PCT/EP2003/007792

INTERNATIONAL FILING DATE
July 17, 2003

PRIORITY DATE CLAIMED
July 19, 2002

TITLE OF INVENTION
POSITION INDICATOR, MEASURING APPARATUS AND METHOD OF MANUFACTURING A POSITION INDICATOR

APPLICANT(S) FOR DO/EO/US
MUELLER, Stephan Johannes

Applicant herewith submits to the United States Designated/ Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The U.S. has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Applicant designates Figure 5a for publication purposes.

US APPLICATION NO. <u>111,111,111</u>		INTERNATIONAL APPLICATION NO. <u>CT/EP2003/007792</u>		ATTORNEY'S DOCKET NUMBER <u>007413-100 JWP/MP</u>	
21. The following fees are submitted:					
BASIC NATIONAL FEE (37 CFR 1.492 (A) (1) - (5)):					
<input checked="" type="checkbox"/> a) Basic national fee				\$300.00	
<input checked="" type="checkbox"/> b) Search fee				\$500.00	
<input checked="" type="checkbox"/> c) Examination fee				\$200.00	
TOTAL OF CALCULATIONS =				\$	\$1000.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing of computer programs listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number).	RATE		
74 -100	0 /50		x 250.00		\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	\$0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE X		
Total Claims	43 - 20	23	x \$50.00		\$1150.00
Independent Claims	3 - 3	0	x \$200.00	=	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 360.00	-	\$0.00
TOTAL OF ABOVE CALCULATIONS=				= \$	\$2150.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%				- \$	\$1075.00
SUBTOTAL =				\$	\$1075.00
Surcharge of \$130.00 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$0.00
TOTAL NATIONAL FEE				= \$	\$1075.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 0 x \$40.00 per property				\$	\$0.00
TOTAL FEES ENCLOSED				= \$	\$1075.00
				Amount to be refunded:	
				charged:	
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> This is an estimate of the fees due. Please charge Deposit Account No. 50-3013 to cover the required fees. A copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3013. A copy of this sheet is enclosed.					
Note: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
22. <input type="checkbox"/> Other instructions					
23. <input checked="" type="checkbox"/> All correspondence for this application should be mailed to JONES DAY 20583					
24. <input checked="" type="checkbox"/> All telephone inquiries should be made to James W. Peterson (650) 739-3994.					
James W. Peterson		26,057		January 19, 2005	
NAME		REG. NO.		DATE	
SIGNATURE					



Express Mail No. EV 456 919 824 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#2

Application of:	Stephan Johannes MUELLER	Confirmation No.:	8121
Serial No.:	10/522,435	Art Unit:	2881
Filed:	January 19, 2005	Examiner:	
For:	POSITION INDICATOR, MEASURING APPARATUS AND METHOD OF MANUFACTURING A POSITION INDICATOR	Atty. Docket No. (OLD): Atty. Docket No. (NEW):	007413-100 861840 999002

REQUEST FOR CORRECTION OF STATUS OF APPLICATION

Mail Stop: PCT
Attention: Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

19 JUL 2006

Legal Staff
International Division

Sir:

Pursuant to a telephone call between Douglas Pearson of Jones Day and Mr. Richard Ross of the Office of PCT Legal Administration on May 9, 2005, it is understood that the above-captioned application is currently designated in the U.S. Patent and Trademark Office (PTO) records as a National Stage application filed under 35 U.S.C. 371. It is respectfully requested that the PTO's records be corrected to reflect that the application is a bypass continuation application of an international application filed under 35 U.S.C. 111(a), as discussed below.

The above-captioned application was filed with conflicting instructions as to whether the application was to be treated as a national stage application under 35 U.S.C. 371 or as a bypass continuation application of a corresponding international application under 35 U.S.C. 111(a). As reflected in the Preliminary Amendment (copy attached) filed with the application, the application was designated as a continuation of international application number PCT/EP2003/007792, and was intended to be a bypass continuation filed under 35 U.S.C. 111(a). However, a transmittal letter concerning a submission under 35 U.S.C. 371 (copy attached) was mistakenly submitted when the above-captioned application was filed, and the application was therefore treated at the PTO as a national stage application under 35 U.S.C. 371.

M.P.E.P. 1893.03(a) indicates that when a patent application is filed with conflicting instructions as to its status, the application should be treated as a bypass continuation filed under 35 U.S.C. 111(a).

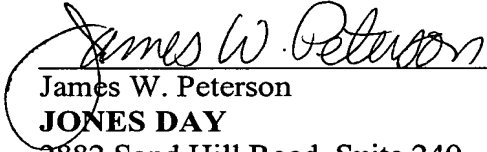
Accordingly, it is respectfully requested that the Office correct the status of the above-captioned application to reflect that it is a bypass continuation application of international application number PCT/EP2003/007792. An Application Data Sheet is enclosed herewith to assist the Office in this regard.

It is believed that no fee is due for this request. However, should it be determined that a petition fee or other fee is due, the Office is respectfully requested to treat this paper as an appropriate petition, and to charge any fee due to Deposit Account # 50-3013. This paper is submitted in duplicate.

Should there be any questions regarding this paper, the Office is respectfully requested to contact Applicant's representatives at the number below.

Respectfully submitted,

Date: May 11, 2005


James W. Peterson

26,057

(Reg. No.)

JONES DAY

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